

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

HILDENE OPPORTUNITIES MASTER )  
FUND LTD, )  
                                )  
                                Plaintiff, )  
                                )  
vs.                         )                      Case No. 14-1110-CV-W-ODS  
                               )  
ARVEST BANK, BANNISTER )  
BANCSHARES, INC. and )  
JEFFREY JERNIGAN, )  
                               )  
                               Defendants. )

ORDER DENYING PLAINTIFF'S MOTION FOR LEAVE TO FILE SUGGESTIONS IN  
SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT AND EXHIBITS UNDER  
SEAL

Pending is Plaintiff's Motion for Leave to File Suggestions in Support of Motion for Partial Summary Judgment and Exhibits Under Seal. Doc. #109. The motion is denied.

Plaintiff seeks leave to file its motion and exhibits under seal to protect documents marked as confidential by one of the parties. There is a common-law right of access to judicial records that promotes public confidence in the judicial system. *IDT Corp. v. eBay*, 709 F.3d 1220, 1222 (8th Cir. 2013). In determining whether to seal a record, the Court must balance "the interests served by the common-law right of access...against the salutary interests served by maintaining confidentiality of the information sought to be sealed." *Id.* at 1223. The modern trend is to treat pleadings in civil litigation as presumptively public. *Id.* At this time, the Court finds the public interest in transparency of court filings outweighs Plaintiff's desire to file its suggestions and exhibits under seal.

The Court grants Plaintiff leave to re-file its request and explain how Plaintiff's overriding interest in confidentiality of the suggestions and exhibits should outweigh the public interest and common-law right of access to court filings. Plaintiff shall file such request on or before August 24, 2016.

IT IS SO ORDERED.

/s/ Ortrie D. Smith  
ORTRIE D. SMITH, SENIOR JUDGE  
UNITED STATES DISTRICT COURT  
DATE: August 17, 2016